

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

IN RE:)	
)	
MARY DARLENE WARNER,)	CHAPTER 13 BANKRUPTCY
)	CASE NO. 95-50798
DEBTOR)	
)	
MARY DARLENE WARNER,)	
)	
PLAINTIFF)	
)	
VS.)	ADVERSARY PROCEEDING
)	NO. 95-5029
STERLING AUTO SALES,)	
)	
DEFENDANT)	

ORDER

_____The Defendant in the above-captioned adversary proceeding, Sterling Auto Sales, through its responsible principal, The Defendant in the above-captioned adversary proceeding, Sterling Auto Sales, through its responsible principal, Keith Boone, has moved this Court for relief from the order and judgment entered May 3, 1996. The motion is construed as having been made pursuant to Rule 60 of the Federal Rules of Civil Procedure, made applicable in bankruptcy cases to Rule 9024 of the Federal Rules of Bankruptcy Procedure.

In seeking this relief, Mr. Boone has proposed to submit himself individually with the Defendant in requesting that the Court vacate the previous order and reconsider the case in the

light of Mr. Boone's submission of himself as a responsible party.

A hearing on all of the issues raised by the motion was held on October 22, 1996. This order is entered in accordance with the findings of fact and conclusions of law announced in open Court at the conclusion of that hearing.

Now, therefore it is hereby

ORDERED that the Court's previous order of May 3, 1996, and the judgment associated with it be and they hereby are vacated; and it is hereby further

ORDERED that Mr. Keith Boone is added as a party Defendant in this action pursuant to his request, and is determined to be personally responsible for the damages and other relief set out in this order as fully and completely as if he had always been named as a co-defendant in this adversary proceeding; and it is hereby further

ORDERED that Defendants surrender the 1989 Chevrolet pickup truck to the Plaintiff, which surrender the Court acknowledges has already been accomplished; and it is hereby further

ORDERED that Defendants provide Plaintiff with unencumbered title to the vehicle including, specifically, the release of any claims of lien against the vehicle by Sterling Auto Sales or Keith Boone; and it is hereby further

ORDERED that Defendants pay to Plaintiff actual damages in the amount of \$210.00, which damages the Court acknowledges have already been paid to Plaintiff by Defendants; and it is hereby further

ORDERED that Defendants pay the sum of \$750.00 as attorney's fees to Mary Jane Cardwell, Attorney At Law, which sum is to be paid in full within sixty (60) days of the entry of this order; and it is hereby further

ORDERED that Defendants pay punitive damages to Plaintiff in the amount of \$72.00 per month, for a period not to exceed the lesser of twenty-four months or the date of any dismissal of Plaintiff's Chapter 13 case, which payment shall begin on November 1, 1996, be payable each month thereafter to the Chapter 13 Trustee in behalf of Plaintiff, and which payments shall not in any circumstance exceed the sum of \$1,728.00; and it is hereby further

ORDERED that Defendants shall be added to the matrix of parties at interest in Plaintiff's Chapter 13 case at the address known as 1000 Hampton Point Drive, St. Simons Island, Georgia 31522 or at such other address as Defendants may from time to time advise the Court in writing.

Dated this 28th day of October, 1996.

JAMES D. WALKER, JR., Judge
United States Bankruptcy Court

CERTIFICATE OF SERVICE

I, Cheryl L. Spilman, certify that a copy of the attached
and foregoing was mailed to the following:

Keith Boone
1000 Hampton Pointe Drive
St. Simons Island, GA 31522

Keith Boone
Old Jesup Road
Brunswick, GA 31525

Mary Jane Cardwell
P. O. Box 543
Waycross, GA 31502-0543

Melinda Bruley White
P. O. Box 190
Brunswick, GA 31521-0190

Jeffrey R. Berry
Attorney At Law
P. O. Box 806
Brunswick, GA 31521

Sylvia Ford Brown
Chapter 13 Trustee
P. O. Box 10556
Savannah, GA 31412

United States Trustee's Office
P. O. Box 10487
Savannah, GA 31412

This _____ day of October, 1996.

Cheryl L. Spilman
Deputy Clerk
United States Bankruptcy Court